

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA DIVISION**

MONICA JOHNSON, CHRISTOPHER
JOHNSON and VELMA JOHNSON

VERSUS

WILLIAM E. HILTON, SHERIFF OF
RAPIDES PARISH, WILL GEORGE, and
CASSIE SAUCIER

CIVIL ACTION NO. 1:18-CV-01472

JUDGE DEE D. DRELL

MAGISTRATE JUDGE JOSEPH H L
PEREZ-MONTEZ

JURY TRIAL DEMANDED

Notice of Mootness

In R. Doc. 80, third-party witness Jennifer Gordon sought a protective order. Defendants had deposed her once, and then subpoenaed her to appear for a second deposition without seeking leave of court – and gave her only three business-days’ notice of the second deposition, requiring her to seek counsel to intervene on an emergency basis.

Defendants opposed the protective order, claiming that “it is likely that Gordon will need to be deposed” a second time. R. Doc. 85 at 3. But they never followed through on that intention, and discovery has now closed for a second time. Accordingly, the motion for a protective order (R. Doc. 80) is moot.

However, Ms. Gordon’s motion for attorneys fees (R. Doc. 76) is not moot, and Defendants’ recent behavior underlines the propriety of attorneys fees. That is because Defendants never communicated to Ms. Gordon that they would not seek to depose her again. As a result, she has had to maintain legal counsel for the past seven months.

Ms. Gordon is not a party to this case. But Defendants have shown a complete lack of respect for her time or resources by:

- (1) deposing her;
- (2) then subpoenaing her for a second deposition on extraordinarily short notice in violation of Fed. R. Civ. Proc. 30(a)(2)(A)(ii);
- (3) then withdrawing that subpoena at the last minute;

(4) then indicating their intent to likely seek a second deposition;

(5) then never communicating their decision *not* to seek a second deposition.

Attorneys fees are therefore even more appropriate now than they were at the time of filing of the fee motion.

Respectfully submitted,

/s/ William Most
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